

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
CIVIL ACTION NO.  
2005 JAN 18 P 2:59  
1:04 CV 11721-RGS

WILLIAM B. EGAN, III,

Plaintiff,

v.

BECHTEL CORPORATION,  
PARSONS, BRINKERHOFF, QUADE  
AND DOUGLAS, INCORPORATED, and  
DYWIDAG SYSTEMS  
INTERNATIONAL,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS

**JOINT STATEMENT OF PROPOSED PRE-TRIAL SCHEDULE  
PURSUANT TO LOCAL RULE 16.1**

Pursuant to the Court's December 10, 2004 Notice of Scheduling Conference and L.R. 16.1, the plaintiff William B. Egan, III ("Egan"), the defendants Bechtel Corporation and Parsons, Brinkerhoff, Quade and Douglas, Inc. ("BPB"), and the defendant Dywidag Systems International, U.S.A., Inc. ("Dywidag") hereby submit the following proposed pre-trial schedule:

JOINT DISCOVERY PLAN

Egan, and both BPB and Dywidag (collectively "defendants") hereby agree to the following discovery plan. Each reserves the right, however, to move to amend this plan should the occasion for such a motion arise:

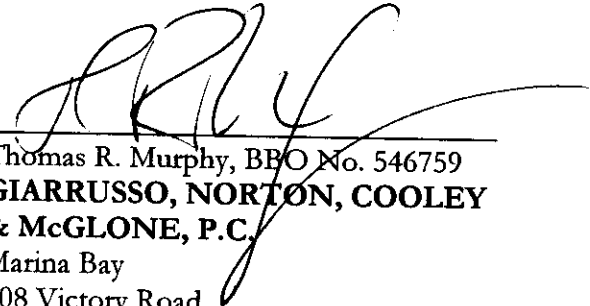
1. The parties will serve their automatic disclosures, pursuant to Fed. R. Civ. P. 26(a) (1), on or before February 22, 2005.

2. The parties will serve written discovery under Rules 33, 34, and 36 by July 1, 2005.
3. The parties will notice and take all lay depositions by October 1, 2005.
4. The plaintiff will designate his trial experts, and produce any narrative reports, by October 1, 2005.
5. The defendants will make their counter-designations, and produce any narrative reports, by November 15, 2005.
6. The defendants have the right to conduct a Independent Medial Exam (IME) of the plaintiff at their expense on or before August 1, 2005. To the extent that the plaintiff alleges damages that cannot be addressed by one medical specialist, the defendants reserve the right to seek an additional IME to address those damages, and agree to conduct that IME by October 1, 2005.
7. All depositions of parties, pursuant to Fed. R. Civ. P. 30(b) (6), and experts will be taken at or near the locality where the deponent(s) reside(s) or works, unless the parties and the deponent(s) agree or a court orders otherwise.
8. With respect to expert depositions, the party noticing the depositions shall be responsible for paying the expert's reasonable fees and expenses for time spent traveling to and attending the depositions, pursuant to Fed. R. Civ. P. 26(b) (4). The parties shall be responsible for compensating their respective experts for his or her preparation time.
9. Any documents to be produced that any party claims contains trade secrets or proprietary information shall be covered by a mutually agreed upon protective order to be executed by all parties and submitted to the Court for endorsement. Any motions pertaining to proposed confidentiality orders shall be filed within a reasonable time after issues to which they pertain arise.

CERTIFICATION OF BUDGET AND/OR  
ALTERNATIVE DISPUTE RESOLUTION

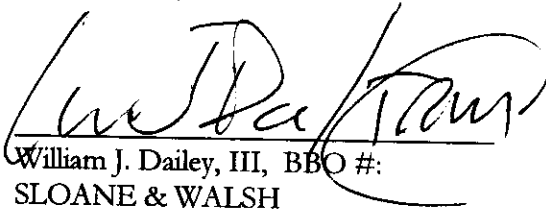
The parties agree to consider alternative dispute resolution programs as outlined in Local Rule 16.4 after the initial stages of discovery are completed, including written discovery and depositions. The parties have conferred in accordance with Local Rule 16.1.

Respectfully submitted,  
Plaintiff,  
William B. Egan, III,  
By his attorneys,



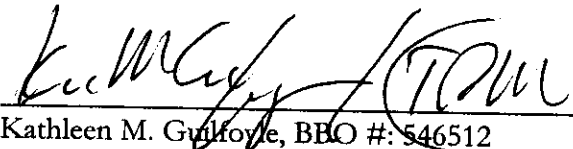
Thomas R. Murphy, BBO No. 546759  
**GIARRUSSO, NORTON, COOLEY  
& McGLONE, P.C.**  
Marina Bay  
308 Victory Road  
Quincy, MA 02171  
(617) 770-2900

Defendant, Bechtel Corporation,  
Parsons, Brinckerhoff, Quade &  
Douglas, Inc. and Bechtel/Parsons,  
By its attorneys,



William J. Dailey, III, BBO #: [redacted]  
**SLOANE & WALSH**  
Three Center Plaza  
Boston, MA 02108  
(617) 523-6010

Defendant, Dywidag Systems International,  
By its attorneys,



Kathleen M. Guilfoyle, BBO #: 546512  
**CAMPBELL CAMPBELL  
EDWARDS & CONROY**  
One Constitution Plaza, Third Floor  
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(617) 241-3000

DATED: January 18, 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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WILLIAM B. EGAN, III

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CIVIL ACTION NO. 04-11721-RGS

CERTIFICATE PURSUANT TO LOCAL RULE 16.1(D)

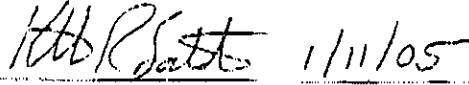
Defendant Dywidag Systems International, U.S.A., Inc. ("Dywidag") hereby certifies that its authorized representative has conferred with counsel for Dywidag:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

DYWIDAG SYSTEMS INTERNATIONAL, U.S.A., Inc.  
By its attorneys,

CAMPBELL CAMPBELL EDWARDS & CONROY,  
PROFESSIONAL CORPORATION,

James M. Campbell (BBO# 541882)  
Kathleen M. Guilfoyle (BBO# 546512)  
One Constitution Plaza  
Boston, MA 02129  
(617) 241-3000

 1/11/05  
DYWIDAG SYSTEMS INTERNATIONAL,  
U.S.A., Inc.  
By: Ken Sostek